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W.P.No.25881 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.02.2024

CORAM

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.No.25881 of 2021 and
W.M.P.No.27353 of 2021

1.Tmt.S.Mythily
2.K.Niranjani
3.K.T.Karthikeyan

... Petitioners

Vs.

1.The Secretary to Government,
Revenue (Services) Department,
Fort St.George, Chennai - 9.

2.The Commissioner of Revenue Administration &
Disaster Management,
Chepauk, Chennai - 5.

3.The District Collector,
Kancheepuram District.

4.The Revenue Divisional Officer,
Kancheepuram Division,
Kancheepuram 631 501.

5.The Tahsildar,
Uthiramerur Taluk,
Kancheepuram District.

6.Office of the Principal Accountant General (A&E),
361, Anna Salai, Chennai 600 018.

... Respondents

Prayer : Writ Petition is filed under Article 226 of the Constitution of



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India, to issue a Writ of Mandamus, to direct the respondents to sanction, draw and disburse the pensionary benefits of late T.Thanikesan, formerly Village Administrative Officer, Anambakkam, Uthiramerur Taluk, Kancheepuram District along with interest @12% p.a. and further direct the respondents to sanction the family pension for the wife of Thanikesan, namely Tmt.Swarna Pushani, draw and disburse the benefits within a reasonable time.

For Petitioners : Mr.K.Venkataramani, Senior Counsel for
Mr.M.Muthappan

For Respondents : Mr.T.Chezhiyan, AGP

ORDER

This Writ Petition has been filed for the issuance of a Writ of Mandamus, to direct the respondents to sanction, draw and disburse the pensionary benefits of late T.Thanikesan, formerly Village Administrative Officer, Anambakkam, Uthiramerur Taluk, Kancheepuram District along with interest @12% p.a. and further direct the respondents to sanction the family pension for the wife of Thanikesan, namely Tmt.Swarna Pushani, and draw and disburse the benefits within a reasonable time.

2. Heard Mr.K.Venkataramani, learned Senior Counsel for the petitioners and Mr.T.Chezhiyan, learned Additional Government Pleader



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for the respondents.

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3. The petitioners are the daughters and the son of the deceased Government Employee by name Thanikesan.

4. The learned Senior Counsel for the petitioners submitted that the petitioners' father who was working as Village Administrative Officer was suspended on certain misconduct on the date of his attaining superannuation. In view of his suspension, he was not allowed to retire from service. A disciplinary proceedings has been initiated against him in TDP Case No.9/10211. However, during the pendency of the same, the petitioners' father died on 21.06.2012, leaving behind his wife and two daughters and one son as his legal heirs.

5. Subsequent to the death of Thanikesan, the charges framed against him was declared to be abated and a Government Order has been passed in this regard *vide* G.O.(D).No.553, Revenue Services 7(2) Department, dated 13.11.2015. However, his terminal benefits were not



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paid to his legal heirs. Hence, the wife of Thanikesan has filed a Writ Petition in W.P.No.27447 of 2014 seeking appropriate direction. In pursuant to the directions given by this Court in the above Writ Petition, the District Collector has sent a recommendation on 23.05.2016 for disbursal of the terminal benefits of Thanikesan to his legal heirs. So far, it has not been settled. In the meanwhile, the wife of Thanikesan also died on 19.03.2021. Now the petitioners who are the children of Thanikesan have filed this Writ Petition after having given representation to the respondents.

6. Even though there is no disagreement on the point that the deceased Thanikesan's retirement benefits ought to have been paid to his legal heirs, the papers which were sent got returned from the office of the Principal Accountant General (A&E) on 01.11.2019 for the following reasons:

"1.The attested copies of Death Certificate & Legal Heirship Certificate may be furnished.

*2.On GO 64 Fixation, GP of 2800 only is allowed,
as per Government clarification in*



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Lr.No.Sec(1)47604/2012 Dated 02.11.2012. The pay may be corrected upto retirement. Excess paid pay and allowances may be reviewed. Elevation to special grade may be reviewed."

7. The above written endorsement is to the effect that some excess payment has been made to the deceased Thanikesan exclusively and that has to be reviewed. Subsequent to this, the respondents 3 to 5 ought to have taken steps to comply the return endorsement by giving proper explanation and see the file is disposed. But the same is kept pending without any further action. The petitioner has not challenged the written endorsement of the Principal Accountant General. However, it is upto the respondents 3 to 5 to do any review if needed as per the written endorsement or send any explanation in terms of the judicial pronouncements that have been rendered in connection with this matter.

8. The petitioners have lost their mother also and became helpless. Without knowing how to get their father's terminal benefits, they have filed this Writ Petition. Therefore, I feel this Writ Petition should be allowed.



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9. In the result, this Writ Petition is allowed and the respondents are directed to sanction and disburse the pensionary benefits of late T.Thanikesan along with interest at the rate of 6% per annum within a period of six weeks from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petition is closed.

09.02.2024

Index : Yes /No
Internet : Yes/No
Speaking / Non-speaking
Neutral Citation : Yes / No
gsk



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